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## **COMMISSION STAFF WORKING DOCUMENT**

### **2024 Rule of Law Report Country Chapter on the rule of law situation in Czechia**

*Accompanying the document*

#### **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS**

### **2024 Rule of Law Report**

#### **The rule of law situation in the European Union**

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## **ABSTRACT**

A reform of the prosecution service was adopted, introducing safeguards for the dismissal of the Prosecutor General and other chief prosecutors in line with the recommendations of 2023. The selection procedure for judges generally works well and efforts are undertaken to address practical shortcomings that have emerged. Reform of the disciplinary proceedings in the case of judges, prosecutors and bailiffs is discussed in Parliament, introducing a second instance. Digitalisation of the justice system is moving ahead, with the preparations for a progressive roll out of the delayed e-file system. Provisions on legal aid have been amended to broaden access and an amendment enhancing the protection of attorney confidentiality is in Parliament. An amendment limiting the use of the institute of lay judges is in Parliament. The method for determining judges' salaries was modified to reduce salary increases, however, was ruled as unconstitutional by the Constitutional Court. Low salaries of court and prosecution assistant staff remain an issue. The justice system performs efficiently and has seen steady improvements in areas such as the length of administrative cases.

The Anti-Corruption Strategy 2023-2026 is being implemented although civil society continues to criticise a lack of prioritisation by the Government of anti-corruption initiatives. Cooperation between institutions in the fight against corruption continues to lead to a steady flow of investigations, prosecutions, and convictions. High-level corruption cases remain a point of attention due to delays in some proceedings. Enforcement in foreign bribery cases remains limited despite a framework being in place. Revised conflict of interest legislation entered into force which clarified the definition of beneficial ownership and rules on media ownership. Preliminary steps were taken to consider the revision of rules on asset declarations and revolving doors. Revised ethics rules for civil servants were adopted and the ethics framework was improved for the Chamber of Deputies. The Office for the Supervision of the Finances of Political Parties and Movements was reformed, while amendments to the Constitution to strengthen the Supreme Audit Office are being discussed. A risk measurement methodology was prepared to inform future anti-corruption action, while the area of public procurement is seen as an area at high-risk of corruption.

Legislative reforms have brought about positive developments to the media landscape. Legal guarantees for the independence of the media regulator, the Council for Radio and Television Broadcasting, are in place. Significant progress has been made to enhance the independence of public service media governance by means of a law amending both the Czech Television Act and the Czech Radio Act while concerns relating to the financial sustainability of public service media persist. Amendments to legislation regulating conflicts of interest have an important bearing on media ownership by politicians by excluding elected officials from all forms of media ownership though online media remains outside the scope of this legislation. There have been no developments in relation to transparency of media ownership and state advertising. Concerns continue to be voiced regarding the economic challenges faced by independent media and online harassment of journalists.

The use of accelerated legislative procedures has decreased. A new public digital platform for accessing legislation was launched. Work continues to enhance the participation of civil society in policy-making processes with a new methodology being piloted. Some further steps have been made to establish a National Human Rights Institution, as an amendment to entrust the Ombudsperson with that function is discussed in Parliament. An ongoing systemic review of the financing framework is expected to conclude by 2024. Public authorities have taken initiatives to foster the rule of law culture.

## **RECOMMENDATIONS**

Overall, concerning the recommendations in the 2023 Rule of Law Report, Czechia has made:

- Significant progress on continuing to advance the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- Some progress on taking measures on reducing the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases.
- Some progress on strengthening the integrity framework for members of Parliament, in particular by complementing the existing rules as regards revolving doors and lobbying.
- Significant progress on completing the revision of legislation on conflicts of interest, including by clarifying the definition of beneficial ownership and no further progress in relation to further reforms relating to transparency of information on media ownership.
- Significant progress on strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Some further progress on advancing the legislative changes to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Czechia to:

- Take measures to address the remuneration of judges, and judicial and prosecutorial staff, taking into account European standards on resources and remuneration for the justice system.
- Take measures to reduce the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases.
- Take further measures to strengthen the integrity framework for all members of Parliament, in particular by complementing the existing rules as regards revolving doors and lobbying.
- Progress with further reforms relating to transparency of information on media ownership.
- Ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence.
- Continue to advance the legislative changes to establish a National Human Rights Institution taking into account the UN Paris Principles.

## **I. JUSTICE SYSTEM**

The Czech justice system is composed of 86 district courts, eight regional courts, two high courts, the Supreme Court and the Supreme Administrative Court. The Constitutional Court is tasked with guaranteeing constitutionality of legislation, and with the protection of fundamental rights and freedoms. The central body of state responsible for the administration of the courts is the Ministry of Justice. The Ministry of Justice performs state administration of high, regional and district courts to the extent stipulated by law, either directly or through the presidents of these courts. These various authorities take into account the opinions of the relevant judicial councils, which are established at the Supreme Court, the Supreme Administrative Court, high courts, regional courts and larger district courts. Judges are appointed by the President of the Republic, from candidates selected by selection committees and presented by the Minister of Justice. The Prosecution Service is part of the executive branch. Public prosecutors are appointed into their office for an indefinite time by the Minister of Justice on a proposal from the Prosecutor General. The Prosecutor General is appointed and recalled by the Government on a proposal from the Minister of Justice. Czechia participates in the European Public Prosecutor's Office (EPPO). The Bar Association is established by law and is independent. It performs public administration in the area of the legal profession and provides self-regulation for the entire profession. The self-governing power of the Bar is limited by the power of the Minister of Justice in the areas listed by law.

### **Independence**

**The level of perceived judicial independence in Czechia is now average among both the general public and companies.** Overall, 54% of the general population and 57% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2024<sup>1</sup>. The perceived judicial independence among the general public has decreased in comparison with 2023 (65%), as well as in comparison with 2020 (56%). The perceived judicial independence among companies has decreased in comparison with 2023 (60%), inverting a previous increasing trend, although it remains higher in comparison with 2020 (44%)<sup>2</sup>.

**Significant progress was made as the reform of the prosecution service was adopted, introducing safeguards for the dismissal of the Prosecutor General and other chief prosecutors.** The 2023 Rule of Law Report recommended Czechia to 'continue to advance the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution'<sup>3</sup>. The reform was adopted by Parliament on 7 March 2024 and entered into force on 1 July 2024<sup>4</sup>. It has introduced, amongst other changes, amendments to the process of appointing and dismissing chief district, regional, and supreme public prosecutors ("chief public prosecutors"), as well as the Prosecutor General. As regards the regime for the chief public prosecutors, eligibility

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<sup>1</sup> Figures 51 and 53, 2024 EU Justice Scoreboard, and Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>2</sup> 61% of the companies in Czechia are either fairly or very confident that their investments are protected by the law and courts in the Member State. 21% of the surveyed companies see the quality, efficiency or independence of justice as one of the main reasons for concern about investment protection in the country. Figures 55 and 56, 2024 EU Justice Scoreboard.

<sup>3</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 2.

<sup>4</sup> Bill No. 463, available at: <https://www.psp.cz/sqw/historie.sqw?o=9&T=463>.

requirements for their appointment were laid down<sup>5</sup>, while the nomination of the district, regional and supreme chief public prosecutors will be done exclusively through a selection procedure<sup>6</sup>. The reform also limited the term of their office to seven years<sup>7</sup>. As regards dismissal, chief public prosecutors may now be dismissed only as a result of disciplinary proceedings<sup>8</sup>. The amendment also sets out new eligibility criteria for Prosecutor General candidates<sup>9</sup>, which brings the appointment procedure closer to European standards. The standards recommend that, in case the Government has some control over the appointment of the Prosecutor General, the method of selection should be such as to gain the confidence and respect of the public as well as of the members of the judicial and prosecutorial system and legal profession<sup>10</sup>. The term of office the Prosecutor General is limited to seven years as well and is non-renewable<sup>11</sup>, which is in line with European standards<sup>12</sup>. The previous system of dismissal of the Prosecutor General by the Government on the proposal of the Minister of Justice remains<sup>13</sup>. However, the dismissal of the Prosecutor General is now limited to two substantive conditions<sup>14</sup> and the amendment introduced a possibility for the Prosecutor General to challenge the decision before the Supreme Administrative Court<sup>15</sup>. This reform constitutes an improvement to the current regime<sup>16</sup>. However, as stated in the 2023 Report, European standards call also for clarity on the conditions for the pre-term dismissal of the Prosecutor General, an *ex ante* opinion of an expert body as to whether there are sufficient grounds for dismissal, and a fair hearing of the Prosecutor General in dismissal proceedings<sup>17</sup>. Although it

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<sup>5</sup> Section 10 para 2 of the Act No. 283/1993 Coll. on public prosecution service, as amended by Act No. 83/2024 Coll.

<sup>6</sup> Section 10 para 2. Before the amendments, the law merely stipulated that a chief public prosecutor is nominated by the superior chief public prosecutor (i.e. District chief public prosecutor is nominated by regional, regional by supreme, supreme by the Prosecutor General). The concrete rules of the selection procedure will be laid down by the Prosecutor General, as stipulated in Section 12 para 7 of the law.

<sup>7</sup> Section 10 para 1.

<sup>8</sup> Section 10 para 6. The law has also introduced disciplinary offences of the chief public prosecutors.

<sup>9</sup> Section 9 para 3 newly stipulates that there is a requirement of at least 10 years of legal experience of the candidate, including at least 6 years as a public prosecutor. Para 2 also specifies that candidate may be appointed only if his or her expertise, professional experience, people management skills and moral qualities provide guarantees for the proper performance of the office of the Prosecutor General.

<sup>10</sup> Opinion No. 9 (2014) of the Consultative Council of European Prosecutors to the Committee of Ministers of the Council of Europe. European norms and principles concerning prosecutors, p. 79, para 56.

<sup>11</sup> As already reported in last year's Report, some stakeholders considered that a longer term of office for the Prosecutor General would be more appropriate, to match the length of the term of court presidents. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 5. Information also provided in the context of the country visit to Czechia from the Union of Public Prosecutors. Section 9 para 1 for the Prosecutor General and Section 10 for other chief public prosecutors.

<sup>12</sup> Opinion No. 9 (2014) of the Consultative Council of European Prosecutors to the Committee of Ministers of the Council of Europe. European norms and principles concerning prosecutors, p. 79, para 56.

<sup>13</sup> Section 9 para 1. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 5. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 4 and 5. Figure 65, 2024 EU Justice Scoreboard.

<sup>14</sup> Section 9 para 6 of the draft amendment sets two conditions, under which the Government may dismiss the Prosecutor General: i) if the Prosecutor General fundamentally undermines, by culpable gross breach of his or her duties or grossly inappropriate conduct or behaviour, confidence in the proper functioning of the prosecution system, in particular confidence in the legality of his or her actions or in his or her impartiality or professionalism; ii) or has fundamentally undermined the reputation of the prosecution system.

<sup>15</sup> Section 9b.

<sup>16</sup> This opinion was also provided by the Office of the Prosecutor General in the context of the country visit to Czechia.

<sup>17</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 5; Venice Commission, Independence of the Judicial System, Part II: The Prosecution Service, CDLAD(2010)040, paras. 39-40. Generally, the reform is viewed by stakeholders as a compromise, and according to some, there is still room

did not take European standards fully into account, the adopted reform introduces safeguards for the dismissal of the Prosecutor General and other chief public prosecutors and therefore there was significant progress on the recommendation made in the 2023 Rule of Law Report.

**The new selection procedure for judges generally works well and efforts are undertaken to address practical shortcomings that have emerged.** As reported in the 2023 Rule of Law Report, the amended procedure is in force since January 2022<sup>18</sup>. An amendment to a ministerial decree further regulating the conduct of the selection procedures<sup>19</sup>, came into force on 1 July 2023. This amendment follows a one-year long experience with the new system of selecting judges. The amending decree introduces, *inter alia*, a uniform level of difficulty for the written part of the selection procedure and establishes a rule of transferability of the result of a successful candidate for the position of judge to other selection procedure at the same regional court<sup>20</sup>. Stakeholders welcomed the new selection procedure and report that it generally works well<sup>21</sup>. The Ministry of Justice is in dialogue with the judiciary about the implementation of the reform, including to address several practical shortcomings that have emerged<sup>22</sup>. The overall assessment of the reform will be based on a longer period of experience with the new selection system.

**Reform of the disciplinary proceedings regarding judges, prosecutors and bailiffs is discussed in Parliament, introducing a second instance.** The 2022 and 2023 Rule of Law Reports noted the legislative efforts to reform the disciplinary regime for judges<sup>23</sup>. The draft law is currently discussed in Parliament, where it was tabled on 14 February 2024, and it is anticipated that it will enter into force on 1 January 2025<sup>24</sup>. The reform is part of the commitments under the Czech Recovery and Resilience Plan (RRP)<sup>25</sup> and responds also to a GRECO recommendation<sup>26</sup>. Its aim includes introducing the possibility to appeal decisions taken by a disciplinary court<sup>27</sup>. Some stakeholders noted that the reform risks introducing a

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for improvement. Contribution from NeoN/Glopolis for the 2024 Rule of Law Report, p. 12 and the Reconstruction of the State and the Network for the Protection of Democracy, p. 11. Information provided in the context of the country visit to Czechia from the Union of Public Prosecutors.

<sup>18</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 3.

<sup>19</sup> Decree No. 206/2023 Coll. of 26 June 2023 amending Decree No. 516/2021 Coll. on the professional judicial examination, selection and training of judicial candidates, selection of candidates for the office of judge, selection of court presidents and amending Decree No. 37/1992 Coll. on the rules of procedure for district and regional courts, as amended ('Decree No. 206/2023').

<sup>20</sup> Input from Czechia for the 2024 Rule of Law Report, p. 1. Decree No. 206/2023.

<sup>21</sup> Information provided in the context of the country visit in Czechia from the Union of Judges, Supreme Court, and Supreme Administrative Court.

<sup>22</sup> E.g. it was reported that candidates for the position of a judge may apply for more selection procedures at once, which creates administrative burden, or to motivate court managers to open positions within their courts to offer positions for their assistants. Information provided in the context of the country visit to Czechia by the Ministry of Justice and Union of Judges.

<sup>23</sup> 2022 and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 3 for both.

<sup>24</sup> Bill No. 634 Amending the Act No. 7/2002 Coll., on proceedings in the cases of judges, prosecutors and bailiffs, as amended, and other related laws. The provisions on the appointment of the members of the panels of the new disciplinary courts and the replacement of these members are anticipated to come into effect already on the 15th day after the publication of the Amendment in the Collection of Laws and International Treaties. Input from Czechia for the 2024 Rule of Law Report, p. 3.

<sup>25</sup> Reform 2 Strengthening the legislative framework and transparency in the areas of courts, judges, prosecutors and bailiffs, component 4.3.

<sup>26</sup> GRECO Fourth Evaluation Round – Evaluation Report, recommendation ix, introducing the possibility for judges to challenge disciplinary decisions including for dismissal before a court.

<sup>27</sup> The current draft foresees that the High courts would become the first instance courts, while the Supreme Court and the Supreme Administrative Court would constitute a second instance in case of appeal against the

more burdensome and complex procedure<sup>28</sup>. Introducing the possibility to appeal decisions taken by a disciplinary court is in line with EU law and reflects European standards<sup>29</sup>.

## Quality

**Digitalisation of the justice system is moving ahead, with the preparations for a progressive roll out of the delayed e-file system under way.** The level of digitalisation is advanced. Procedural rules enabling digital tools in courts are in place<sup>30</sup> and some digital solutions to initiate and follow proceedings, especially in civil, commercial and administrative cases, are already available<sup>31</sup>. The use of distance communication technology and the availability of secure electronic communication in courts and the prosecution service have been broadened<sup>32</sup>. The Ministry of Justice has responded to the serious shortcomings identified by the Supreme Audit Office in the implementation of the eJustice strategy, reported on in the 2023 Report<sup>33</sup>, with organisational changes, an updated conceptual framework<sup>34</sup> and the prioritisation of key projects, in particular the e-file<sup>35</sup>. Stakeholders, have, however, pointed out again that the progress in digitalisation has been slow and that practical obstacles persist, such as lacking interconnectedness of the electronic systems within the judiciary and compatibility of the different electronic systems used in the justice system<sup>36</sup>. After delays, reported in the previous Rule of Law Reports<sup>37</sup>, the Ministry of Justice is finalising preparations for a progressive roll out of the e-file system. It will be launched in selected courts in the second half of 2024<sup>38</sup>. A call for tender for an electronic information management system for public prosecution is under preparation<sup>39</sup>. The publication of court decisions has also been progressing, with further categories of decisions to be published from 1 July 2024, underpinned by a new information system designed for pseudonymisation of final court decisions<sup>40</sup>.

**Provisions on legal aid have been amended to broaden access and an amendment enhancing the protection of attorney confidentiality is in Parliament.** Amendments to the

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decision of one of the High courts (Section 3 of the draft Act). Other aspects of the reform are a new composition of the disciplinary chambers and the extended number of disciplinary courts. Input from Czechia for the 2024 Rule of Law Report, p. 3. Contribution from the Czech Bar Association, pp. 7-8.

<sup>28</sup> Information provided in the context of the country visit to Czechia by the Union of Judges, Supreme Administrative Court.

<sup>29</sup> This is without prejudice to the upcoming assessment of the fulfillment of the relevant milestone under the RRP. Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para 69; Venice Commission, Report on the Independence of the Judicial System Part II: The Prosecution Service (CDLAD(2010)040), para 43; Venice Commission, Rule of Law Checklist (CDL-AD(2016)007).

<sup>30</sup> Figure 43, 2024 EU Justice Scoreboard.

<sup>31</sup> Figure 47, 2024 EU Justice Scoreboard.

<sup>32</sup> Figures 45 and 46, 2024 EU Justice Scoreboard.

<sup>33</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 6.

<sup>34</sup> Information Policy of the Ministry of Justice 2023-2028.

<sup>35</sup> Information provided in the context of the country visit to Czechia from the Ministry of Justice.

<sup>36</sup> Stakeholders have pointed these issues out also in previous years, as reported in the 2023 and 2022 Rule of Law Reports. Contribution from the Czech Bar Association for the 2024 Rule of Law Report, p. 13, from NeoN/Glopolis p.15, Reconstruction of the State and the Network for the Protection of Democracy, p. 14, and Civil Liberties Union for Europe, p.11. Information provided in the context of the country visit to Czechia from the Union of Judges and the Supreme Court.

<sup>37</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 6, and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 5-6.

<sup>38</sup> Input from Czechia for the 2024 Rule of Law Report, p. 6. Information provided in the context of the country visit to Czechia from the Ministry of Justice.

<sup>39</sup> Input from Czechia for the 2024 Rule of Law Report, p. 7.

<sup>40</sup> Input from Czechia for the 2024 Rule of Law Report, p. 6. For a comparative view, see Figure 49, 2024 EU Justice Scoreboard.

Advocacy Act and Decree No. 120/2018<sup>41</sup>, in force since 1 January 2024, establish that in addition to the free legal aid to applicants whose income and financial circumstances justify it, the Bar Association is also obliged to appoint an attorney for applicants who can pay the lawyer's fee but are unable to obtain legal services for other reasons<sup>42</sup>. The amendments respond to a decision by the Constitutional Court<sup>43</sup>, which found it unconstitutional that this right previously only pertained to applicants whose income and financial circumstances made it impossible to obtain legal services for a fee. A further amendment to the Act on the Legal Profession aimed at enhancing the protection of confidentiality of communication between attorney and client and refining the existing legal regulation of the attorney's mandatory confidentiality, is in Parliament<sup>44</sup>. The Bar Association has been advocating for a raise in fees and compensation paid to lawyers for the provision of legal services, with a compromise solution proposed by the Ministry of Justice in an amendment to the Decree on the Lawyer's Tariff, submitted for a comment procedure in March 2024 and to be discussed by the Government<sup>45</sup>. According to the Bar Association, the adjustment in the tariff would help strengthen the resources for the provision of legal aid, including in areas with higher proportions of socially disadvantaged population<sup>46</sup>.

**An amendment limiting the use of the institute of lay judges with a view of streamlining court proceedings, is discussed in Parliament.** On 29 November 2023, the Government approved and transmitted for discussions in Parliament a proposal to amend the legislation on courts, judges, lay judges and public administration of courts with the aim of making judicial decision-making more efficient<sup>47</sup>. On 26 June 2024, the Chamber of Deputies approved the proposal, which will be discussed in the Senate. Under the proposal, lay judges would no longer be involved in labour disputes and in criminal proceedings before district courts<sup>48</sup>. The participation of lay judges in criminal proceedings before regional courts would be limited to the most serious crimes<sup>49</sup>. Some stakeholders noted the importance to maintain the association of the public to the exercise of the judiciary<sup>50</sup>, and the statistics provided by the Ministry of Justice show that the share of decision-making by lay judges is currently 0.91 and 8.65% in civil and criminal cases respectively<sup>51</sup>. Moreover, this amendment is part of the reform

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<sup>41</sup> Act 349/2023 amending Act No. 85/1996, on advocacy and Decree 381/2023 of 15 December 2023 amending Decree 120/2018 on establishing the forms of the application for the appointment of an advocate and the form of the initiative to provide one-off legal advice.

<sup>42</sup> Input from Czechia for the 2024 Rule of Law Report, pp. 4-5, contribution from the CCBE for the 2024 Rule of Law Report, pp. 11-12. The Bar Association has indicated a slight increase in the applications for this kind of legal aid in 2023 in relation to the Constitutional Court judgment. Information received in the context of the country visit.

<sup>43</sup> Czech Constitutional Court, judgment of 24 January 2023, *Pl. ÚS 44/21*.

<sup>44</sup> Bill No. 623, amending Act No. 85/1996 Coll on the legal profession, as amended.

<sup>45</sup> Draft Decree amending Decree No. 177/1996 Coll., on lawyers' fees and lawyers' remuneration for the provision of legal services (the Lawyer's Tariff), as amended.

<sup>46</sup> Czech Bar Association (2024) Press statement by the Bar Association of 22 March 2024.

<sup>47</sup> Bill No. 598 amending Act No. 6/2002 Coll., on courts, judges, lay judges and the state administration of courts, as amended, and other related acts.

<sup>48</sup> The proposed wording of Section 34 para 2, Section 35 and 64 of the Act on courts, judges, lay judges and public administration of courts, as amended, inter alia.

<sup>49</sup> The proposed wording of Section 14 of the Act No 141/1961 Sb., Criminal Procedural Code, as amended.

<sup>50</sup> E.g. regional court in Prague, some public prosecutor's offices, or the Union of cities of Czechia. For more information, see Česká justice (2023) Part of the judiciary does not want to abolish lay judges fearing it might isolate judges. Unfounded argument, said the Ministry of Justice (*Část justice nechce zrušit přisedící z obavy před izolací soudců. Lichý argument, vzkazuje spravedlnost*).

<sup>51</sup> The share of decision-making by lay judges is 0.91 and 8.65% in civil and criminal cases respectively.



committed to under the RRP, where the aim was to streamline court proceedings in which lay judges participate<sup>52</sup>.

**The method for determining judges' salaries was modified to reduce salary increases while salaries of court and prosecution assistant staff remain an issue.** As part of a general effort to consolidate public finances, Parliament has approved the Government's proposal to modify the starting amount for the determination of judges' salaries, as defined by the Salary Act<sup>53</sup>, taking effect on 1 January 2024. The Ministry of Justice pointed out that the modification would not mean a reduction in salaries but rather a smaller increase than under the preceding formula<sup>54</sup>. Stakeholders have criticised this measure as violating the right of judges to material security and the Constitutional Court's case law in matters of salary cuts for judges<sup>55</sup>. On 28 May 2024, the Constitutional Court ruled that the Act in question is in breach of the Constitution by lowering the multiple used to calculate the salary of judges in 2024. The Court gave the Government and Parliament until 31 December 2024 to readdress the issue and, if it so chooses, to explain better why the multiple was lowered. The Government is required to make up the difference retroactively. They also continue drawing attention to the long-standing problem of uncompetitive salaries of court and prosecution assistant staff<sup>56</sup>, reported already in the 2023 Report<sup>57</sup>, which may undermine the recruitment and retaining of qualified and competent staff. The non-judge court staff went on a one-day long strike on 29 May 2024, as called by the Justice Trade Union, should the situation of the salaries not improve<sup>58</sup>. Employees of public prosecutors' offices are also demanding better pay petitioning the Ministry of Justice<sup>59</sup>. Moreover, as another measure of public finances consolidation, courts are obliged to cut non-judge court staff as of January 2024<sup>60</sup>. The Minister of Finance has pledged that salaries of assistant staff, including staff at the prosecution services, would be increased and reach the average salary in the public sector by 2025<sup>61</sup>.

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<sup>52</sup> Component 4.3 Anti-Corruption Reforms, Reform 2, of the Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Czechia.

<sup>53</sup> Act No. 349/2023 Coll., amending several acts in relation to the consolidation of public budgets. Starting amount will be equal to the Czech average salary recorded in the calendar year before the last (i.e., in 2022) multiplied by a factor of 2.822, rather than by a factor of 3 used before the amendment.

<sup>54</sup> Input from Czechia for the 2024 Rule of Law Report, p. 4 and information received from the Ministry of Justice in the context of the country visit. Česká justice (2023) Válková refuses another freezing of the judges' and public prosecutors' salary, she tabled an amending proposal (*Válková odmítá další zmrazení platů soudců a státních zástupců, předložila pozměňovací návrh*).

<sup>55</sup> Press statement of the Union of Judges of 21 September 2023. Contribution from the European Association of Judges for the 2024 Rule of Law Report, p. 3 and 15, from NeoN/Glopolis, p. 13, from Civil Liberties Union for Europe, p. 8.

<sup>56</sup> Contribution from NeoN/Glopolis for the 2024 Rule of Law Report, p. 13, Reconstruction of the State and the Network for the Protection of Democracy, p. 12, and Civil Liberties Union for Europe, p.11. Information provided in the context of the country visit to Czechia from the Constitutional Court, Supreme Court, Union of Judges and Union of Public Prosecutors.

<sup>57</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 8.

<sup>58</sup> Česká justice (2024 and 2024a). The demands of the court staff are supported also by the Union of Judges as stated in a press release of 18 April.

<sup>59</sup> Union of Public Prosecutors (2024) Petice za důstojné odměňování administrativních pracovníků podána (*'Petition for decent remuneration for administrative staff submitted'*).

<sup>60</sup> The number of non-judge court staff is to be reduced by 120 to 9511 posts. Input from Czechia for the 2024 Rule of Law Report, p. 5 and information received from the Ministry of Justice in the context of the country visit.

<sup>61</sup> Lidovky.cz (2024), Justiční personal jde na den do stávk. Kdyby trvala týden, bylo by to vážné, tvrdí šéf Soudcovské unie (*'The courts' personnel is going to strike for a day. Should the strike last a week, it would be serious, said the Chair of the Union of Judges'*). Contribution from the Civil Liberties Union for Europe

## Efficiency

**The justice system performs efficiently with continuous improvement in the length of administrative cases.** According to data in the 2024 EU Justice Scoreboard, the main efficiency challenge is the length of administrative cases (225 days in first instance courts in 2022)<sup>62</sup>. However, there has been a continuous improvement (compared to 265 days in 2021 and 317 in 2020), with a clearance rate of 126% in 2022 (119% in 2021 and 113% in 2020), indicating that the justice system has been reducing the backlog of administrative cases. The efficiency in resolving litigious civil and commercial cases at first instance courts, already among the lowest in the EU, further improved in 2022 too (134 days in 2022, compared to 141 in 2021 and 165 in 2020)<sup>63</sup>.

## II. ANTI-CORRUPTION FRAMEWORK

Czechia has the legislative and institutional framework to prevent and fight corruption largely in place. The Conflicts of Interest and Anti-Corruption Department of the Ministry of Justice is in charge of the coordination and monitoring of the national Anti-Corruption Strategy 2023-2026, which is Czechia's strategic framework for anti-corruption at the governmental level. The Anti-Corruption Council acts as an advisory body to the Government. In cooperation with the prosecution service, the National Organised Crime Agency is the police unit with country-wide competence to investigate high-level corruption offences<sup>64</sup>. The Financial Analytical Office acts as Czechia's Financial Intelligence Unit. The Supreme Audit Office reviews the state's management of public revenue and expenditure and its findings may contribute to the identification of corruption risks.

**The perception among experts and business executives is that the level of corruption in the public sector remains relatively high.** In the 2023 Corruption Perceptions Index by Transparency International, Czechia scores 57/100 and ranks 16<sup>th</sup> in the European Union and 41<sup>st</sup> globally<sup>65</sup>. This perception has been relatively stable over the past five years<sup>66</sup>. The 2024 Special Eurobarometer on Corruption shows that 79% of respondents consider corruption widespread in their country (EU average 68%) and 20% of respondents feel personally affected by corruption in their daily lives (EU average 27%)<sup>67</sup>. As regards businesses, 67% of companies consider that corruption is widespread (EU average 65%) and 43% consider that

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for the 2024 Rule of Law Report, p. 8. Advokátní deník (2022), Court employees could as of 2025 have average salaries compared to the public sector (*Od roku 2025 by mohli mít zaměstnanci soudů průměrné platy veřejné sféry*). Information received from the Office of the Prosecutor General in the context of the country visit to Czechia.

<sup>62</sup> Figures 5-15, 2024 EU Justice Scoreboard.

<sup>63</sup> Figures 5-15, 2024 EU Justice Scoreboard.

<sup>64</sup> Other cases of corruption are dealt with by regional directorates of the police, with the National Organised Crime Agency being able to take over the cases at any time. This Agency also serves as a law enforcement contact point for OLAF as regards crimes against financial interest of the EU.

<sup>65</sup> Transparency International (2022), Corruption Perceptions Index 2022, pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

<sup>66</sup> In 2019 the score was 56, while, in 2023, the score is 57. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

<sup>67</sup> Special Eurobarometer 584 on Citizens' attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

corruption is a problem when doing business (EU average 36%)<sup>68</sup>. Furthermore, 22% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)<sup>69</sup>, while 26% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)<sup>70</sup>.

**The Anti-Corruption Strategy 2023-2026 is being implemented while civil society continues to call for structural improvements.** The 2023-2026 Anti-Corruption Strategy is being implemented following its adoption in April 2023. An accompanying action plan for 2023-2024 was adopted in July 2023<sup>71</sup> and a first implementation report for the year 2023 was adopted in April 2024<sup>72</sup>. Said report shows that most tasks in the action plan 2023-2024 have at minimum started implementation<sup>73</sup>. The Anti-Corruption Council, an advisory body to the government which includes civil society, met twice, in April and November 2023, and its recommendations focused on draft legislation related to the public prosecution and on lobbying<sup>74</sup>. Several civil society organisations welcomed the activity of the Council but expressed regrets that the Government does not generally take up its specific recommendations<sup>75</sup>. Civil society organisations have argued that anti-corruption policy focuses largely on adopting new legislation without allocating sufficient resources to effectively implement both existing and new legislation<sup>76</sup>, and that, while the Anti-Corruption Strategy provides practical steps forward in some areas, it lacks a clear and ambitious long-term vision which prioritises anti-corruption action<sup>77</sup>.

**Cooperation between institutions continues to lead to a steady flow of corruption investigations, prosecutions and convictions.** As reported in past years, cooperation between the relevant law enforcement institutions remains at a good level<sup>78</sup>. A possible decrease in resources has been signalled by investigators, although the impact remains limited at this point<sup>79</sup>. The Ministry of Interior and the National Agency against Organised Crime (NCOZ)

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<sup>68</sup> Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). The Eurobarometer data on businesses' attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 524 (2023).

<sup>69</sup> Special Eurobarometer 584 on Citizens' attitudes towards corruption in the EU (2024).

<sup>70</sup> Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

<sup>71</sup> Written contribution from the Ministry of Justice in the context of the country visit to Czechia.

<sup>72</sup> Ministry of Justice (2024), Evaluation of the implementation of the measures referred to in the 2023 and 2024 anti-corruption action plan.

<sup>73</sup> Ministry of Justice (2024), Evaluation of the implementation of the measures referred to in the 2023 and 2024 anti-corruption action plan.

<sup>74</sup> The legislation on the prosecution is discussed above in this Report, while the legislation on lobbying is discussed below in this Report. Input from Czechia for the 2024 Rule of Law Report, p. 26.

<sup>75</sup> For example, this includes civil society recommendations on the whistleblowing and lobbying legislation, where few of the points of the Council were taken on board in the final legislation of the government. Information received from Transparency International, Reconstruction of the State in the context of the country visit to Czechia.

<sup>76</sup> Transparency International Czechia (2023), Petr Fiala's government at half-time. The Czech Republic still fails to effectively limit corruption, Reconstruction of the State (2023), Loser or winner? The government of Petr Fiala is performing unevenly in the subject "Modernization of the state and the fight against corruption", Kraus, L. (2024), Warning from Slovakia: You can't save money on insuring the rule of law and information received from Transparency International and Reconstruction of the State in the context of the country visit to Czechia and Contribution from GLOPOLIS for the 2024 Rule of Law Report, pp. 18-19.

<sup>77</sup> Information received from Transparency International and Rekonstruce Statu in the context of the country visit to Czechia and Contribution from GLOPOLIS for the 2024 Rule of Law Report, p. 19.

<sup>78</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 9-10.

<sup>79</sup> Written contribution received from the National Organised Crime Agency in the context of the country visit to Czechia.

remain committed to improving the investigative capacities of the NCOZ<sup>80</sup>. Work on the new uniform analytical tool – a digital solution to input data and analysis uncovered during investigations in a uniform and standardised manner – continues and should further strengthen analytical capacity also in corruption-related investigations<sup>81</sup>. In 2023, the law enforcement authorities opened 168 corruption-related investigations (compared to 231 in 2022) and prosecuted 162 individuals for corruption offences or suspicions thereof (compared to 187 individuals in 2022)<sup>82</sup>. In total, 158 persons were brought before a court (compared to 145 in 2022)<sup>83</sup>, while 123 were convicted for corruption in the course of 2023 (compared to 100 individuals in 2022). Last year saw 26 acquittals for corruption (compared to 32 in the previous year). The majority of cases brought forward related to either the offence of bribery, or of arranging an advantage in the context of public procurement<sup>84</sup>. Cooperation with the EPPO is generally going well, with results being praised by stakeholders<sup>85</sup>. Out of its open cases in 2023, EPPO reports that four were related to corruption (3.6 % of its total open cases)<sup>86</sup>.

**High-level corruption cases remain a point of attention due to delays in some proceedings, while no additional instances affecting the independence of investigations and prosecution during the reporting period were noted.** The 2023 Rule of Law Report recommended Czechia to ‘take measures to reduce the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases’<sup>87</sup>. A number of high-level corruption and corruption-related investigations and cases involving both former and current high-level officials continue, and additional cases were detected<sup>88</sup>. While overall investigations and prosecutions of corruption cases remain stable, there is no disaggregated data on specific high-level corruption cases. The government acknowledged that such cases take more time due to their highly complex nature and highlights that the capacities of investigators are being increased to help with the efficiency of investigations, while court proceedings generally proceed relatively quickly<sup>89</sup>. The prosecution maintains that there is no major issue with high-

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<sup>80</sup> Input from Czechia for the 2024 Rule of Law Report, p. 10, and information received from the Ministry of Interior and National Organised Crime Agency in the context of the country visit to Czechia.

<sup>81</sup> Input from Czechia for the 2024 Rule of Law Report, p. 10.

<sup>82</sup> Input from Czechia for the 2024 Rule of Law Report, statistical annex. Written contribution received from the Prosecution Service in the context of the country visit to Czechia.

<sup>83</sup> This includes: indictments, motions for punishments, and agreements on guilt and punishment.

<sup>84</sup> Written contribution received from the Prosecution Service in the context of the country visit to Czechia.

<sup>85</sup> Input from Czechia for the 2024 Rule of Law Report, pp. 9-10, contribution from the EPPO for the 2024 Rule of Law Report, p. 6 and information received from the National Organised Crime Agency, the Prosecution Service and the Union of Public Prosecutors in the context of the country visit to Czechia.

<sup>86</sup> EPPO (2024), Annual Report 2023, p. 25.

<sup>87</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 2.

<sup>88</sup> The case of former Prime Minister Babiš, who was indicted in a case linked to subsidy fraud led to a re-trial ordered by the Court of Appeal and subsequent acquittal of all defendants at first instance for the second time. The fraud allegedly took place in 2008 and charges were brought forward for the first time in 2016. Examples of high-level corruption cases include a procurement scandal linked to municipal transport and the Prague city Council (Dozimetr) and a case in Brno in relation to corruption and fraud linked to municipal apartments sales, as well as other cases such as the IKEM hospital and procurement manipulations in the cities of Olomouc and Pardubice. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 10-12, information received from the National Organised Crime Agency and the prosecution service in the context of the country visit to Czechia; Contribution from GLOPOLIS for the 2024 Rule of Law Report, p. 26; CT24 (2024), Court once again acquitted Babiš and Nagyová of the charges in Capi Hnzido case and EPPO (2024), Czechia: 10 arrested in probe into corruption ring involving medical supplies to hospitals.

<sup>89</sup> This concerns both the NCOZ (investigators at central level) and investigators at regional level. Input from Czechia for the 2024 Rule of Law Report, pp. 9-10; Information received from Ministry of Justice, Ministry of Interior and National Organised Crime Agency in the context of the country visit to Czechia; Czech Government, Opinion on the Recommendations of the Rule of Law Report 2023.

level cases and that they are generally handled efficiently, despite their complexity<sup>90</sup>. As reported in the past, concerns persist, however, over the performance of the entire chain of judiciary in a number of high-level corruption cases, in particular due to indications of the continued length of judicial proceedings in high-level corruption cases at all stages of the process including the investigation, prosecution and adjudication when high-level officials are involved<sup>91</sup>. This has also been indicated by civil society organisations<sup>92</sup>. Allegations of interference (political or otherwise) were previously reported as influencing high-level corruption cases<sup>93</sup>, but no further concerns were raised in this regard during the reporting period<sup>94</sup>. In particular, in the high-profile case of alleged interference of the sitting Minister of Justice in a corruption case involving some of his former associates, as reported in 2023, there were no developments related to this alleged interference, while the corruption case remains ongoing<sup>95</sup>. On this basis, there has been some progress on the recommendation made in the 2023 Rule of Law Report.

**Enforcement in foreign bribery cases remains limited despite the legal framework being in place.** The situation as regards foreign bribery cases remains stable over the past years, with the country on its way to fulfill the remaining recommendations from the OECD Working Group on Bribery<sup>96</sup>. While the necessary structures are in place, only a limited number of cases are detected and prosecuted<sup>97</sup>.

**Significant progress was made on the revision of conflict of interests legislation, as the legislation entered into force and clarified the definition of beneficial ownership and rules on media ownership.** The 2023 Rule of Law Report recommended Czechia to ‘complete the

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<sup>90</sup> Information received from the Public Prosecutor’s Office in the context of the country visit to Czechia.

<sup>91</sup> To note that, in all corruption cases, the average length of proceedings from the start of investigation to the final verdict ranged between 64 and 1222 days in 2023, depending on the offence, although this data does not differentiate between high-level and “regular” defendants (compared to 449 to 1361 days in 2022). (Data from Written contribution received from the Prosecution Service in the context of the country visit to Czechia). In the 2024 Justice Scoreboard, Czechia has the 4<sup>th</sup> highest average length of proceedings (out of 16 Member States that shared this data) in bribery-related cases up until 1<sup>st</sup> instance decision. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 10-12.

<sup>92</sup> Contribution from GLOPOLIS for the 2024 Rule of Law Report, p. 25 and information received from Transparency International and Reconstruction of the State in the context of the country visit to Czechia.

<sup>93</sup> This includes for example issues in concrete cases such as a presidential pardon following a corruption conviction (2022 Rule of Law Report p. 9); the lengthy investigation and prosecution period in the Capi Hnizdo case and other cases (see above and 2022 Rule of Law Report p. 9); the allegations of interference in the Brno apartments case (see 2023 Rule of Law Report pp. 10-12), etc. Civil society organisations also highlighted extensive use of delaying tactics by defendants. Information received from Transparency International and Reconstruction of the State in the context of the country visit to Czechia.

<sup>94</sup> Information received from the Union of Judges, Union of Prosecutors, Transparency International and Reconstruction of State in the context of the country visit to Czechia.

<sup>95</sup> The alleged interference included targeted information requests, as Minister of Justice Pavel Blažek used a procedure under section 13 of the Public Prosecutor’s Act to request information about the case involving municipal apartments in Brno linked to local politicians. The prosecution replied to the requests in line with section 13 of the legislation and refused to give information going beyond this scope. Although the law only allows for the status of the case to be shared (and no other details on the investigation or evidence), the request is seen as highly unusual and a source of possible political interference. Following this request in 2023, no further actions, either by the Minister or other authorities has been reported. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 10-12.

<sup>96</sup> The outstanding recommendations focus on legislative reforms, such as the Public Prosecutor’s Act and the Protection of Whistleblowers Act, meaning they are nearly fulfilled. See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 10-11 and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12.

<sup>97</sup> See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 10-11 and 2023. Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12.

revision of legislation on conflicts of interest, including by clarifying the definition of beneficial ownership [...]’<sup>98</sup>. Revised legislation on conflicts of interest was adopted in August 2023<sup>99</sup>. In particular, the definition of company ownership was clarified to include also beneficial ownership, so that existing prohibitions related to ownership of media and the receipt of grants and subsidies or investment incentives for senior political officials<sup>100</sup> now also extend to those companies of which the official is the beneficial owner<sup>101</sup>. Additionally, the President is now also included within the scope of the act as a senior public official<sup>102</sup>. The Office for the Supervision of the Finances of Political Parties and Movements has been made responsible for enforcing these newly amended provisions, including through sanctions, although the original conflict of interest legislation remains enforceable by the Ministry of Justice<sup>103</sup>. The Office has expressed concerns over the human resources required to enforce the law<sup>104</sup>. These provisions entered into force as of 1 January 2024, although a challenge to the law remains pending in front of the Constitutional Court<sup>105</sup>. The reform was positively received by civil society organisations<sup>106</sup>. As described in the 2023 Rule of Law Report, the reform is less ambitious than initially foreseen, as it only makes targeted additions to the existing legislation, without for example reforming the sanctioning system as initially foreseen<sup>107</sup>. As an important, albeit targeted, reform was adopted, significant progress was made on this part of the recommendation from the 2023 Rule of Law Report.

**Preliminary steps were taken to consider the revision of rules on asset declarations and revolving doors.** Since 2022, these declarations are accessible by citizens, although upon request<sup>108</sup>. Possible changes in relation to the asset declaration system are expected to be considered on the basis of the Analysis of the functioning of the Act on Conflicts of Interest that was prepared by the Ministry of Justice throughout 2023 and presented in June 2024 upon request of the chairman of the Government Anti-Corruption Council<sup>109</sup>. An extension of the reporting obligations (such as declarations of spouses and dependents), which is the subject of a GRECO recommendation, has not taken place but is being considered through the

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<sup>98</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 2.

<sup>99</sup> Act No. 253/2023 Coll. Act amending Act No. 424/1991 Coll., on association in political parties and political movements, as amended, and other related laws. See also Input from Czechia for the 2024 Rule of Law Report, pp. 13-14.

<sup>100</sup> According to Article 2 of the Conflict of Interest legislation, such officials include government members, Senators, Deputies, mayors, local councillors and members of certain regulatory agencies and bodies.

<sup>101</sup> Previously, this was not clearly stated in the law, leading to controversy when former Prime Minister Babis remained beneficial owner of certain media companies during his tenure as prime minister and (later on) member of parliament.

<sup>102</sup> Input from Czechia for the 2024 Rule of Law Report, pp. 13-14.

<sup>103</sup> Input from Czechia for the 2024 Rule of Law Report, pp. 13-14.

<sup>104</sup> Information received from the Office for the Supervision of Political Movements and Parties in the context of the country visit to Czechia.

<sup>105</sup> 70 members of Parliament filed a petition before the Constitutional Court in February 2024. Written contribution by the Ministry of Justice in the context of the country visit to Czechia. See also CT24 (2023), ANO group submit challenge to Constitutional Court to repeal part of the Act on Conflict of Interest.

<sup>106</sup> Reconstruction of the State (2023), Loser or winner? The government of Petr Fiala is performing unevenly in the subject "Modernization of the state and the fight against corruption" and information received from Transparency International and Reconstruction of the State in the context of the country visit to Czechia.

<sup>107</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 11 and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 12-13.

<sup>108</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 13.

<sup>109</sup> The analysis proposes a number of targeted solutions to various issues detected or perceived with the current legislation, such as the sanctioning powers, exchanges with the tax service to verify assets, the benefits of an independent conflict of interest authority, scope of covered public officials etc. Ministry of Justice (2024), Analysis of the functioning of the Act on Conflicts of Interest.

aforementioned analysis<sup>110</sup>. The Ministry of Justice established 2 012 failures to declare assets in 2023<sup>111</sup>. It conducted 40 in depth verifications of declarations filled by public officials leading to 13 cases of administrative proceedings against public officials<sup>112</sup>. Rules on ‘revolving doors’ also remain unchanged. As reported in past years, only limited rules on post-employment exist in the civil service, and for government functions in certain limited circumstances<sup>113</sup>. There are no plans to amend this framework<sup>114</sup>. The lack of broader rules on revolving doors for all categories of high-level officials represents a gap in the legal framework<sup>115</sup>.

**Revised ethics rules for civil servants were adopted and some progress has been made on the ethics framework for both chambers of Parliament.** The 2023 Rule of Law report recommended Czechia to ‘strengthen the integrity framework for members of Parliament, in particular by complementing the existing rules as regards revolving doors and lobbying’<sup>116</sup>. Revised legislation on conflict of interest also applies to Members of Parliament. The draft law on lobbying would also apply to members of Parliament, contributing in strengthening the ethics framework for Members of Parliament. As mentioned in past reports, there are no codes of ethics in place for either chamber of Parliament, and a comprehensive framework is lacking in relation to gifts and benefits for members of Parliament<sup>117</sup>. Nonetheless, a Committee of the Chamber of Deputies approved a resolution in February 2024 that sets out recommended ethical behaviour for its Members, aiming to address these previously identified gaps<sup>118</sup>. The position of the Senate however, remains unchanged<sup>119</sup> and therefore a number of issues that

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<sup>110</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 11-12 and Ministry of Justice (2024), Analysis of the functioning of the Act on Conflicts of Interest. This issue was the subject of a recommendation from GRECO Fourth Evaluation Round - Interim Compliance Report, recommendation iii, paras. 18-22 and contribution from GRECO for the 2022 Rule of Law report.

<sup>111</sup> 108 cases concerned failure to declare at the beginning of term, 1 762 involved annual declarations and 142 cases concerned the end of term declarations

<sup>112</sup> This compares to 2614 failures to declare in 2022 (485 cases concerned failure to declare at the beginning of term, 1615 involved annual declarations and 514 cases concerned the end of term declarations) and 43 in-depth verifications in 2022. Input from Czechia for the 2024 Rule of Law Report, pp. 14-15 and written contribution from the Ministry of Justice in the context of the country visit to Czechia.

<sup>113</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12.

<sup>114</sup> Input from Czechia for the 2024 Rule of Law Report, p. 11.

<sup>115</sup> Including for Members of Parliament – see below. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 14.

<sup>116</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 2.

<sup>117</sup> The Government maintains a dialogue with both chambers of Parliament on this issue 2021 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 9 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12 and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 13-14. The recommendations from GRECO to adopt a Code of Ethics in both chambers of Parliament likewise remain unfulfilled. GRECO Fourth Evaluation Round – Interim Compliance report, Czechia, recommendation ii, paras. 13-17 and contribution from GRECO for the 2022 Rule of Law report.

<sup>118</sup> The Committee on Mandate and Immunity of the Chamber of Deputies approved a resolution in February 2024 concerning ‘rules recommended by the Mandate and Immunity Committee for the ethical conduct of members’. While the resolution is not binding and concerns only suggested ethical behaviour, it sets out recommended behaviour of members of the Chamber of Deputies, for example concerning the acceptance of gifts or the use of public funds, aiming to address these previously identified gaps. The Committee on Mandate and Immunity would take into account this resolution as interpretative material in its decision-making on possible cases. As such, it cannot be considered a fully-fledge code of ethics. Chamber of Deputies (2024), Rules recommended by the Mandate and Immunity Committee for the ethical conduct of Members and Written contribution received from the Parliamentary Institute in the context of the country visit to Czechia.

<sup>119</sup> The Senate adopted a resolution on the 2022 Rule of Law report stating that the Code of Ethics is unnecessary, preferring to rely on the Constitution and existing rules of procedure. See 2023 Rule of Law Report, Country

may raise ethical concerns are not adequately covered<sup>120</sup>. As regards the civil service, a new code of ethics was adopted in October 2023 and entered into force from January 2024. This code does not introduce any new rules, but rather aims at presenting existing rules in a more comprehensive and understandable format<sup>121</sup>. A revised recommendation for civil servants on how to deal with gifts was also issued. Various training activities on this new Code are envisaged in the second half of 2024<sup>122</sup>. In light of the measures taken, some progress was made on the recommendation made in the 2023 Rule of Law Report.

**Legislation on lobbying was adopted by the Government and awaits adoption by Parliament.** A draft law on lobbying was approved by the Government in March 2024, following extensive consultations. The law is now in the legislative procedure<sup>123</sup>. Lobbying legislation is included in Czechia's Recovery and Resilience Plan and was recommended by GRECO<sup>124</sup>. The law, intended to enter into force by mid-2025, would introduce lobbying rules including a transparency register with obligations for both lobbyists and lobbied parties. The lobbied parties would be obliged to maintain a legislative footprint<sup>125</sup>. Compared to previous draft versions of the law<sup>126</sup>, the personal scope has now been widened to also include assistants of members of Parliament as well as the President<sup>127</sup>. However, an exception has been introduced for state-owned enterprises, with whom contacts would not need to be registered<sup>128</sup>, which was criticised by civil society organisations<sup>129</sup>. The Ministry of Justice will be responsible for enforcement of the legislation and the managing of the transparency register<sup>130</sup>.

**The decision-making process within the Office for the Supervision of the Finances of Political Parties and Movements was reformed.** The Office for the Supervision of the Finances of Political Parties and Political Movements was reformed to make it more inclusive

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Chapter on the rule of law situation in Czechia, pp. 13-14 and Written contribution received from the Senate administration in the context of the country visit to Czechia.

<sup>120</sup> This includes for example ethical and integrity issues related to parliamentary conduct, training, possibility of confidential advice on integrity issues, establishment of a culture on prevention and avoidance of conflicts of interest, etc. See also GRECO, Fourth Evaluation Round – Evaluation Report, Czechia, recommendation ii, para 42 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 9 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12.

<sup>121</sup> Input from Czechia for the 2024 Rule of Law Report, p. 11.

<sup>122</sup> Ibid.

<sup>123</sup> Draft on the regulation of lobbying (Chamber of Deputies document no. 649): <https://www.psp.cz/sqw/historie.sqw?o=9&T=649>, Act amending other laws in connection with the adoption of Act on the regulation of lobbying (Chamber of Deputies document no. 650): <https://www.psp.cz/sqw/historie.sqw?o=9&T=650>.

<sup>124</sup> Czechia has committed to adopt legislation on lobbying by mid-2025 under its Recovery and Resilience Plan (milestone 206). See Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Czechia, pp. 131. Concerns have been raised by GRECO that in the absence of such legislation, the transparency of contacts with lobbyists remains low. GRECO Fourth Evaluation Round – Interim Compliance Report, recommendation i, paras. 7-12 and contribution from GRECO for the 2022 Rule of Law Report.

<sup>125</sup> Called a “Lobbying/lobbyist footprint” in the original legislation.

<sup>126</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 15.

<sup>127</sup> Information received from the Ministry of Justice in the context of the country visit to Czechia.

<sup>128</sup> Information received from the Ministry of Justice in the context of the country visit to Czechia.

<sup>129</sup> Information received from Transparency International and Reconstruction of the State in the context of the country visit to Czechia.

<sup>130</sup> Bill on Lobbying, <https://odok.cz/portal/veklep/material/ALBSCLNWN48/> and Bill accompanying the Act on Lobbying, <https://odok.cz/portal/veklep/material/ALBSCLNK8YRH/>.



and, especially, to include more elements of collective and majority-based decision-making<sup>131</sup>. However, no further information was available on the more ambitious reform plans that were reported on in last year's Rule of Law report<sup>132</sup>. Additionally, legislation on electoral campaigns is being amended in order to consolidate the current framework and correct drafting errors and loopholes. Initial drafts of this legislation foresee a new criterion of "fairness" of electoral campaigns that the Office would need to implement and supervise, although no major changes in relation to the financing framework are foreseen<sup>133</sup>. The Office has also been made responsible for enforcing the newly amended provisions on conflict of interest.

**Initial discussions are taking place on proposed amendments to the Constitution to strengthen the Supreme Audit Office (SAO).** Despite the Government's commitment in that regard<sup>134</sup>, constitutional amendments to extend the competence of the Supreme Audit Office to local governments and state-owned companies, have not been reintroduced following their rejection by the Senate in 2022. However, initial negotiations between the Government and the Senate on a broader package of constitutional reforms that would include an extension of the mandate of the Supreme Audit Office – to at least include auditing powers over the public service media – have started<sup>135</sup>. The SAO considers that its mandate is effective overall, but indicates that the audit competences under discussion, as well as additional ones over local government would help in the detection of anomalies<sup>136</sup>.

**Legislation on whistleblower protection continues to be implemented, while there are some concerns over the effective application of the protection regime.** Legislation on whistleblower protection, adopted in June 2023, continues to be implemented<sup>137</sup>. A civil society organisation has signalled concerns over insufficient staffing at the Ministry to effectively implement this whistleblowing agenda<sup>138</sup>. In addition, two specific cases of alleged retaliation against whistleblowers within Government departments raise concerns over the effective application of the protection system<sup>139</sup>.

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<sup>131</sup> Bill amending Act No. 424/1991 Coll., on association in political parties and political movements, <https://odok.cz/portal/veklep/material/ALBSCGJCN2AI/>. Parliament Bill 312, <https://www.psp.cz/sqw/historie.sqw?o=9&t=312>. The bill was adopted in August 2023 and entered into force from January 2024. See also input from Czechia for the 2024 Rule of Law Report, p. 12.

<sup>132</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 15.

<sup>133</sup> Written contribution from the Ministry of Interior in the context of the country visit to Czechia and information received from Office for the Supervision of Political Movements and Parties in the context of the country visit to Czechia.

<sup>134</sup> The Government committed to this revision in the 2021 coalition agreement, but no progress has been noted since then. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 10 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 13.

<sup>135</sup> It is unclear whether such a constitutional reform package would be able to be agreed and adopted before the election to the Chamber of Deputies in 2025. Information received from office of the Minister of Legislation in the context of the country visit to Czechia.

<sup>136</sup> Information received from the Supreme Audit Office in the context of the country visit to Czechia.

<sup>137</sup> Input from Czechia for the 2024 Rule of Law Report, pp. 9 and 15.

<sup>138</sup> Contribution from Reconstruction of the State for the 2024 Rule of Law Report, p. 20.

<sup>139</sup> In one case, the whistleblower - a Director at the Ministry of Justice - lost his job after signalling concerns over a deputy minister. This whistleblower later re-joined the Ministry in a similar position, after he won a competition for that post. In another case, the Minister of Transport allegedly prevented a former whistleblower to be appointed to a new position in a specific government agency. See contribution from Reconstruction of the State for the 2024 Rule of Law Report, p. 20, Seznam Zpravy (2023), He drew attention to the suspicions surrounding Blažek's deputy. The government canceled his post; Česká justice (2024), NSS rejected the complaint of suspended official Benýšek due to systematization; Seznam Zpravy (2023), He contacted Brussels, Kupka canceled his office. Retribution to the whistleblower, writes the court and Respekt.cz (2024), Whistleblower Benýšek won over Blažek's deputy.

**A risk measurement methodology was prepared to inform future anti-corruption action, while the area of public procurement is seen as an area at high-risk of corruption.** Work on a new corruption risk measurement methodology and corruption risk assessment – also a part of Czechia’s Recovery and Resilience Plan<sup>140</sup> – was completed. The study identifies the sectors more likely to be affected by “grand corruption” as being foreclosures, public procurement and, to some extent, sport, construction and health<sup>141</sup>. The results of the risk assessment will be used to inform the drafting of the action plans linked to the Anti-Corruption Strategy<sup>142</sup>. As regards public procurement, Businesses’ attitudes towards corruption in the EU show that 29% of companies in Czechia (EU average 27%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years<sup>143</sup>. There is scope to improve public procurement practices, considering that in 2023 the rate of contracts awarded directly without publication remains high, just as the rate of single bid procedures<sup>144</sup>. Law enforcement continues to see in particular public procurement as a high risk area<sup>145</sup> and there is a significant increase in prosecuted persons concerning corruption in public procurement<sup>146</sup>. A new public procurement strategy 2024 - 2028 was adopted by the government, paying attention to this issue<sup>147</sup>. Nonetheless, a civil society organisation signaled many challenges in the public procurement system, with high risks of collusion and conflicts of interest<sup>148</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

Freedom of expression and the right to information are enshrined in the Czech Charter of Fundamental Rights and Basic Freedoms. The Act on Radio and Television Broadcasting regulates the Czech media regulator while the Czech Television Act and the Czech Radio Act provide the framework for the supervision and independence of Czech public service media. The Act on Free Access to Information regulates access to information held by public authorities<sup>149</sup>.

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<sup>140</sup> As required under the Czech Recovery and Resilience Plan, milestone 205, the methodology was finalised by end of 2023. See Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Czechia, p. 131.

<sup>141</sup> The education, sports, health, and construction and planning sectors are identified as having higher levels of prevalence and potential for “petty corruption”. The research was carried out by the institute of Sociology of the Academy of Sciences of the Czech Republic in cooperation with the Ministry of Justice. Bašná, K. et. al (2023), Corruption in selected sectors in the Czech Republic and possibilities of reducing it.

<sup>142</sup> Information received from the Ministry of Justice in the context of the country visit to Czechia.

<sup>143</sup> Flash Eurobarometer 543 on Businesses’ attitudes towards corruption in the EU (2024). This is 2 percentage points above the EU average.

<sup>144</sup> 2024 European Semester, Country Report Czechia, pp. 52-53.

<sup>145</sup> Information received from the National Organised Crime Agency and the Public Prosecution Office in the context of the country visit to Czechia. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 16.

<sup>146</sup> Input from Czechia for the 2024 Rule of Law Report, statistical annex and written contribution received from the Prosecution Service in the context of the country visit to Czechia.

<sup>147</sup> The strategy also focuses on awareness-raising on the topic of conflict of interest in procurement procedures. Input from Czechia for the 2024 Rule of Law Report, p. 16.

<sup>148</sup> “The existing system is characterized by rigidity, sluggishness, complexity, and excessive bureaucratic burdens, contributing to challenges such as conflicts of interest in bid evaluations and collusive bidding.” Contribution from GLOPOLIS for the 2024 Rule of Law Report, p. 24.

<sup>149</sup> Czechia ranks 17th in the 2024 Reporters Without Borders World Press Freedom Index compared to 14th the previous year.

**Legal guarantees for the independence of the media regulator, the Council for Radio and Television Broadcasting, are in place.** The Act on Radio and Television Broadcasting<sup>150</sup> provides legal guarantees in terms of the nomination, appointment and dismissal of the Council members. The 2024 Media Pluralism Monitor (MPM) has, in fact, registered a decrease of risk within the low-risk band for this area, in light of the fact that the dismissal mechanism appears to be adequate to counter politicisation of the Council<sup>151</sup>.

**Significant progress has been made to enhance the independence of public service media governance.** The 2023 and 2022 Rule of Law Reports recommended to Czechia to ‘advance with the process aimed at strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media’<sup>152</sup>. A single law amending both the Czech Television Act and the Czech Radio Act which entered into force on 1 October 2023 overhauled the nomination and dismissal procedures of the members of the Czech TV and Radio Councils<sup>153</sup>. Under the amended law, the Senate has a say in the nomination and dismissal of one-third of the members of the Czech Television Council and the Czech Radio Council<sup>154</sup> and only individual Council members may be dismissed. Under the previous rules the entire Councils could be dismissed by the Chamber of Deputies following the latter’s rejection of two consecutive Council annual reports or if a Council failed repeatedly to fulfil its duties. The new legislation expands the members of the Television Council from 15 to 18 members and establishes stricter criteria for the civil society organisations which may propose candidates for election to the Councils. Several stakeholders concur that these amendments strengthen the independence of public service media<sup>155</sup>. With regard to funding, the Minister for Culture has proposed an increase of the licence fee levied on households as of January 2025 and extending the categories of users liable to pay the fee to owners of devices such as smart phones<sup>156</sup>. Several stakeholders concur that, if adopted, these changes would increase the sustainability of public service media<sup>157</sup> while the Directors of Czech Television and Czech Radio have publicly stated that without the proposed increase, services would need to be cut, innovation put on hold and employees laid off<sup>158</sup>. In the light of these developments, MPM 2024 has reduced the risk score for this area from high risk to medium risk, highlighting both the positive legislative changes as well as the pending concerns in relation to funding described above<sup>159</sup>. On this basis, significant progress has been made on

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<sup>150</sup> Act No. 231/2001 Coll, as amended most recently by Act 242/2022 Coll. on Video-sharing Platform Services and on Amendments to Some Related Acts.

<sup>151</sup> 2024 Media Pluralism Monitor, country report for Czechia p. 11 which refers to the dismissal of a Council member on the basis of reports that he cultivated links with a presidential candidate.

<sup>152</sup> 2022 and 2023 Rule of Law Reports, Country Chapter on the rule of law situation in Czechia, p. 2. The 2023 Report found that some progress was made with regard to the 2022 recommendation.

<sup>153</sup> Act No.225/2023 Coll. amending the Czech Television Act and the Czech Radio Act.

<sup>154</sup> The Senate shall appoint six members and the Chamber of Deputies twelve members, respectively, of the Czech Television Council while the Senate shall appoint three members and the Chamber of Deputies six members, respectively, of the Czech Radio Council. The first elections of Council members under the new legislation by the Senate took place in November 2023.

<sup>155</sup> Contribution of the International Press Institute (IPI) for the 2024 Rule of Law Report, p. 15 and Civil Liberties Union for Europe Report on Czech Republic, p. 17.

<sup>156</sup> Contribution of Czechia for the 2024 Rule of Law Report.

<sup>157</sup> Information received from Fund for Independent Journalism and contributions of the International Press Institute (IPI), pp.15-16 and Rekonstrukce Statu, p. 23, for the 2024 Rule of Law Report and Civil Liberties for Europe Report on Czech Republic, p. 16.

<sup>158</sup> Seminar organised by the Deputy Chair of the Committee on Media Affairs of the Chamber of Deputies of the Parliament of the Czech Republic, “Why do we need media of public service?”, 11 January 2024, <https://www.psp.cz/sqw/text/orig2.sqw?idd=232450>.

<sup>159</sup> 2024 Media Pluralism Monitor, country report for Czechia p. 16.

the 2023 recommendation in relation to enhancing the independent governance of public service media<sup>160</sup>.

**Amendments to legislation regulating conflicts of interest<sup>161</sup> have a bearing on media ownership by politicians.** The 2023 Rule of Law Report recommended that Czechia “progress with further reforms relating to transparency of information on media ownership<sup>162</sup>.” The amendments to the legislation regulating conflicts of interest specifically preclude elected officials, including members of Parliament and Government and the President of the Republic from owning media companies by any means, including by means of a trust<sup>163</sup>. The amendments do not, however, introduce any new provisions in relation to ownership transparency. There are no specific rules establishing a review of media market plurality, the online media market appears to be almost entirely unregulated<sup>164</sup> and high concentration continues to characterise different media sub-sectors, in particular the regional daily press market<sup>165</sup>. For these reasons, while MPM 2024 registers a significant decline in risk score in terms of the political independence indicator which is, for the first time, placed in the low-risk band<sup>166</sup>, MPM 2024 maintains its high-risk score for transparency of media ownership<sup>167</sup>. On this basis, no further progress has been made in relation to the recommendation from the 2023 Rule of Law Report.

**Concerns continue to be voiced regarding the economic challenges faced by independent media and online harassment of journalists.** The economic situation of independent media, in particular those not belonging to any of the major publishing or broadcasting groups, remains problematic or precarious, particularly in the regional press sector<sup>168</sup>. In the meantime, the lack of rules ensuring transparency in the distribution of state advertising remains an issue of concern<sup>169</sup>. MPM 2024 maintains an unchanged medium risk score for this area pointing out that though online attacks against journalists are an ongoing problem, there has been a gradual improvement in the way these incidents are addressed by the police and the courts, indicating that more effort is being put into safeguarding the safety and dignity of journalists<sup>170</sup>. The Council of Europe Platform to promote the protection of journalism and the safety of journalists received three new alerts since the publication of the last rule of law report, concerning

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<sup>160</sup> According to the European Parliament’s Flash Eurobarometer: News & Media Survey 2023, 45% of respondents in Czechia stated that they trust public TV and radio stations, below the EU average of 48%.

<sup>161</sup> See above Pillar II in relation to Act No. 253/2023 Coll. Act amending Act No. 424/1991 Coll., on association in political parties and political movements, as amended, and other related laws.

<sup>162</sup> In the 2023 Rule of Law Report, the Commission concluded that some progress had been achieved on the revision of legislation on conflict of interests, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership, recommended in the 2022 Rule of Law Report.

<sup>163</sup> Previously, this was not clearly stated in the law, leading to controversy when former Prime Minister Babiš remained beneficial owner of certain media companies during his tenure as Prime Minister and, subsequently, as a member of Parliament.

<sup>164</sup> Information received from Fund for Independent Journalism, International Press Institute (IPI) and Rekonstrukce Statu in the context of the country visit to Czechia.

<sup>165</sup> 2024 Media Pluralism Monitor, country report for Czechia pp. 12-13.

<sup>166</sup> 2024 Media Pluralism Monitor, country report for Czechia p. 15.

<sup>167</sup> 2024 Media Pluralism Monitor, country report for Czechia p. 12.

<sup>168</sup> 2024 Media Pluralism Monitor, country report for Czechia pp. 12-13 and information received from the International Press Institute (IPI) in the context of the country visit to Czechia.

<sup>169</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 16 and 2024 Media Pluralism Monitor, country report for Czechia p. 16

<sup>170</sup> 2024 Media Pluralism Monitor, country report for Czechia p. 11. Among the high-profile cases highlighted: a court decision ordering former Prime Minister Andrej Babiš to publicly apologize to investigative journalist Pavla Holcová for smearing her and a suspended sentence handed down to a publisher of a website who was threatening several journalists.

dismissals at a foreign-run radio station and the revocation of accreditation, harassment, and surveillance of separate Russian journalists<sup>171</sup>.

#### IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Czechia has a bicameral parliamentary system of government<sup>172</sup> with a directly elected President. Legislative proposals can be submitted by a member of the Chamber of Deputies, a group of members of the Chamber of Deputies, the Senate, the Government, or representative bodies of higher self-governing regions<sup>173</sup>. The Constitutional Court can carry out *ex post* constitutional review. In addition to the justice system, the Ombudsperson's Office and civil society play a role in the system of checks and balances. The Public Defender of Rights also assumes the role of equality body.

**The use of accelerated legislative procedures decreased and a new public digital platform for accessing legislation was launched.** The number of legislative acts adopted in accelerated procedures halved in 2023 compared to 2022 and most legislation adopted in 2023 was approved following the regular procedure<sup>174</sup>. As reported in the 2023 Rule of Law Report, the use of the legislative emergency procedure was challenged in one case by a group of members of Parliament before the Constitutional Court<sup>175</sup>. The Court found that the use of the procedure was in conformity with the Constitution<sup>176</sup>. The number of shortened or waived inter-ministerial comment procedures almost halved in 2023 compared to 2022<sup>177</sup>. A new public digital platform for accessing legislation free of charge was launched on 1 January 2024, which serves as the official Collection of Laws<sup>178</sup>. A progressive roll-out of a linked online electronic system for the creation of legislation, “eLegislation”, will take place between July 2024 and January 2026 with the aim to further enhance the transparency of the legislative process<sup>179</sup>. As regards the lawmaking process, some stakeholders have reported cases of non-transparent legislating, especially in relation to important pieces of legislation, as well as the practice of initiating the legislative process by members of Parliament, instead of the Government, which results in restricted space for public consultations<sup>180</sup>.

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<sup>171</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists. The government replied to three of these alerts. The government has satisfactorily replied to all three alerts.

<sup>172</sup> Composed of the lower chamber, the Chamber of Deputies (*Poslanecká sněmovna*) and the higher chamber, the Senate (*Senát Parlamentu České republiky*).

<sup>173</sup> Constitution of Czechia, Art. 41.

<sup>174</sup> Input from Czechia for the 2024 Rule of Law Report, p. 28. In Czechia, 27% of the surveyed companies perceive the frequent changes in legislation or concerns about quality of law-making process as a reason for the lack of confidence in investment protection. Figure 56, 2024 EU Justice Scoreboard.

<sup>175</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 20.

<sup>176</sup> Decision of the Constitutional Court of 24 January 2024, *Pl. ÚS 30/23*. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 20.

<sup>177</sup> 200 regular and 90 shortened or waived inter-ministerial comment procedures in 2023 compared to 224 regular and 168 shortened or waived inter-ministerial comment procedures in 2022. Input from Czechia for the 2024 Rule of Law Report, p. 30.

<sup>178</sup> Accessible at <https://www.e-sbirka.cz/>. Input from Czechia for the 2024 Rule of Law Report, p. 27.

<sup>179</sup> Input from Czechia for the 2024 Rule of Law Report, p. 27. More about the project is accessible at <https://zakony.gov.cz/esel/>. Amendment to Act No. 222/2016 Coll., which came into force on 1 July 2024, postpones the full launch of the e-Legislation system to January 2026.

<sup>180</sup> Information received in the context of the country visit to Czechia from GLOPOLIS and NeoN. Contribution from GLOPOLIS for the 2024 Rule of Law Report, p. 34. *Sítě k ochraně demokracie (2023) Experti Sítě k ochraně demokracie: Poslanci připravují zásadní změny legislativy netransparentně a v rozporu se zákonem ('Members of Parliament prepare important amendments to legislation in a non-transparent and illegal way')*.

**Work continues to enhance the participation of civil society in policy-making processes with a new methodology being piloted.** The experience with the testing of the methodology for the participation of CSOs in the working and advisory bodies of the central authorities and in the creation of policy documents<sup>181</sup> (also referred to in the 2023 Rule of Law Report<sup>182</sup>), has confirmed the usefulness and applicability of the methodology. The testing indicated how the practical implementation of the methodology can be further supported by ministries and will be further continued focusing on implementation by CSOs, with results expected by the end of 2024<sup>183</sup>. The Government Office is exploring the use of participatory approaches based on a report prepared by OECD<sup>184</sup>. Stakeholders report positive steps in including CSOs, although the inclusion in general is not systematic across public administration. They also note that in some cases the laws, even if developed through consensus building and a participatory approach, are not implemented in practice by the state authorities, which may undermine their effectiveness<sup>185</sup>.

**Some further progress has been achieved to establish a National Human Rights Institution, as an amendment to entrust the Ombudsperson with that function is discussed in Parliament.** The 2023 Rule of Law Reports recommended Czechia to ‘continue to advance the legislative changes to establish a National Human Rights Institution taking into account the UN Paris Principles’<sup>186</sup>. A draft amendment to the Act on the Public Defender of Rights<sup>187</sup> was approved by the Government on 10 April 2024 and is currently discussed in the Parliament. As reported in the 2022 and 2023 Rule of Law Reports, the aim of the amendment is to entrust the Ombudsperson with competences as National Human Rights Institution (NHRI) and to create a special position of the Children’s Ombudsperson, within the Public Defender’s office, to promote and better protect children rights<sup>188</sup>. The institution of the Public Defender of Rights was preparing for its possible transition into an NHRI and Children’s Ombudsman within a four-year project “Strengthening the Public Defender of Rights’ activities in human rights protection” funded by EEA Norway Grants, which concluded at the beginning of 2024<sup>189</sup>. Stakeholders raise concerns about the delays in the process of establishing an NHRI and the implications of the absence of an independent body on the protection of human rights and point out the importance of accompanying the new competences with sufficient additional

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<sup>181</sup> The pilot implementation of the methodology is part of the Action Plan of the Czech Republic Open Government Partnership for 2023 to 2024, pp. 11-17.

<sup>182</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 22.

<sup>183</sup> Information received in the context of the country visit to Czechia from the Office of the Government. Input from Czechia for the 2023 Rule of Law Report, p. 35.

<sup>184</sup> OECD (2023) Public Governance Reviews: Czech Republic: Towards a More Modern and Effective Public Administration.

<sup>185</sup> Information received in the context of the country visit to Czechia from GLOPOLIS and NeoN. Input from Czechia for the 2023 Rule of Law Report, p. 35. Contributions from GLOPOLIS for the 2024 Rule of Law Report, pp. 44-45, Reconstruction of the State and the Network for the Protection of Democracy, p. 27, and Civil Liberties Union for Europe, p. 25.

<sup>186</sup> 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Czechia, p. 2. 2023 Report found that some progress was made on the implementation of the 2022 recommendation.

<sup>187</sup> Draft law amending Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, and other related laws.

<sup>188</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 19 and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 20.

<sup>189</sup> Contribution from ENNHRI for the 2024 Rule of Law Report, p. 2.

resources<sup>190</sup>. Therefore, some further progress has been achieved on the implementation of the recommendation made in the 2023 Rule of Law Report.

**On 1 January 2024, Czechia had five leading judgments of the European Court of Human Rights pending implementation, an increase of one compared to the previous year<sup>191</sup>.** At that time, Czechia’s rate of leading judgments from the past 10 years that remained pending was 24% (compared to 18% in 2023) and the average time that the judgments had been pending implementation was 4 years and 3 months (compared to 4 years 7 months in 2023)<sup>192</sup>. The oldest leading judgment, pending implementation for more than 16 years, concerns discrimination in the enjoyment of the applicants’ right to education due to their assignment to special schools on account of their Roma origin<sup>193</sup>. As regards the respect of payment deadlines, on 31 December 2023 there were 2 cases in total awaiting confirmation of payments (compared to 1 in 2022)<sup>194</sup>. On 1 July 2024, the number of leading judgments pending implementation had remained five<sup>195</sup>.

**In the light of the increasing financial constraints faced by civil society organisations, an ongoing systemic review of the financing framework is expected to conclude by 2024.** Civil society space in Czechia continues to be considered as ‘open’<sup>196</sup>. Stakeholders, however, reported about growing divergence in narratives and continuous spreading of disinformation, which continue to negatively affect particularly organisations advocating for LGBTIQ rights and gender equality<sup>197</sup>. Labeling of organisations as “political civil society organisations” by politicians has also been reported<sup>198</sup>. The combined effects of high inflation over the past three years and the budget consolidation efforts of the Government have further increased financial pressure on CSOs<sup>199</sup>. While the overall financial support to CSOs from the state budget

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<sup>190</sup> Information received in the context of the country visit to Czechia from the Office of the Public Defender of Rights and Czech League of Human Rights. Contributions from ENNHRI for the 2024 Rule of Law Report, p. 4, and from Civil Liberties Union for Europe, p. 20.

<sup>191</sup> The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee’s practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

<sup>192</sup> All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See the Contribution from the European Implementation Network for the 2024 Rule of Law Report, p. 2.

<sup>193</sup> Judgment of the European Court of Human Rights of 13 November 2007, *D.H. and Others v. the Czech Republic*, 57325/00, pending implementation since 2007.

<sup>194</sup> Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17<sup>th</sup> Annual Report of the Committee of Ministers – 2023, p. 137.

<sup>195</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>196</sup> Rating given by Civicus, Czech Republic. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

<sup>197</sup> Information received from GLOPOLIS, Reconstruction of the State and the Network on the Protection of Democracy, and Transparency International in the context of the country visit to Czechia. Contributions from GLOPOLIS for the 2024 Rule of Law Report, pp. 41- 42, and from Reconstruction of the State and the Network for the Protection of Democracy, p. 26.

<sup>198</sup> This affects particularly organisations working in the areas of anti-corruption, democracy, environment, human rights, gender, minorities, or integration of migrants. Information received from GLOPOLIS, Reconstruction of the State and the Network on the Protection of Democracy, and Transparency International in the context of the country visit to Czechia. Contributions from GLOPOLIS for the 2024 Rule of Law Report, pp. 41- 42, and from Reconstruction of the State and the Network for the Protection of Democracy, p. 26.

<sup>199</sup> Information received from GLOPOLIS in the context of the country visit to Czechia. Contributions from GLOPOLIS for the 2024 Rule of Law Report, p. 43, from Reconstruction of the State and the Network for the Protection of Democracy, p. 27 and from Civil Liberties Union for Europe, p. 23.

nominally increased, it is mainly due to the increased amount for sports organisations, whereas the funding dedicated for women's equal opportunities and for the fight against corruption were slightly reduced<sup>200</sup>. The work on a systemic change of the financing framework under the auspices of the Government Council for NGOs, mentioned also in the 2023 Rule of Law Report, is expected to yield specific recommendations in most of the identified key areas by the end of 2024<sup>201</sup>. Moreover, a thorough, cross-cutting review of public subsidies has been launched by the Government in November 2023<sup>202</sup>, with first results and recommendations expected in the first half of 2024 and aiming to enhance the impact and efficiency of the subsidies<sup>203</sup>. An amendment to the Act on Public Fundraising, aiming to reduce the administrative burden, was approved by the Parliament in third reading on 24 May 2024 and will be submitted to the Senate<sup>204</sup>.

**Public authorities have launched initiatives to foster the rule of law culture.** In the course of 2023, several events were organised in both chambers of Parliament on topics related to the rule of law, such as the justice system, protection of whistleblowers, sustainability of funding of public service and other media or freedom of speech<sup>205</sup>. Relevant high-level events were also organised: on human rights and gender equality, by the Government Commissioner for Human Rights<sup>206</sup>; on stakeholders participation, by the Office of the Government in cooperation with the Ministry of Interior and the OECD; on codes of ethics for judges and public prosecutors, by the Ministry of Justice<sup>207</sup>; on establishing a National Human Rights Institution, by the Public Defender of Rights<sup>208</sup>; on the implementation of International Human Rights Obligations at the National Level, by the Office of the Government Agent before the Council of Europe<sup>209</sup>. These events contribute to fostering the rule of law culture in Czechia.

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<sup>200</sup> Input from Czechia for the 2024 Rule of Law Report, p. 33. Information received from the Office of the Government in the context of the country visit. The planning document "Main areas of state subsidy policy towards non-state non-profits organizations to support the public beneficial activities for 2024", adopted by the government on 21 June 2023, pp. 7-9, confirms very low proportions of funding for these areas within the overall indicated budget (0,07 % for anti-corruption activities and 0,11 for equal opportunities for women and men).

<sup>201</sup> The mandate of the dedicated working group lasts until June 2024. The group has so far identified 13 key areas to address. Input from Czechia for the 2024 Rule of Law Report, p. 33.

<sup>202</sup> Government Resolution No. 809 of 11/01/2023.

<sup>203</sup> Information received from the Ministry of Finance in the context of the country visit to Czechia. Also *Hospodarske noviny* (2024), The government is launching a major subsidy review. First up are the billions for theaters and festivals.

<sup>204</sup> Bill No. 617, amending Act No. 117/2001 Coll., on Public Collections and on Amendments to Certain Acts (Act on Public Collections), as amended.

<sup>205</sup> Input from Czechia for the 2024 Rule of Law Report, p. 35.

<sup>206</sup> Office of the Government, Gender Equality Department (2023) Conference on the 75th Anniversary of the Universal Declaration of Human Rights.

<sup>207</sup> Justice.cz (2020) Probíhá dvoudenní konference k problematice morálních dilemat soudců a státních zástupců podpořená z fondů EHP 2014-2022 ('A two-day conference on the moral dilemmas of judges and prosecutors supported by EEA Grants 2014-2022 is underway'). The conference took place on 19. – 20. June 2023.

<sup>208</sup> Public Defender of Rights (2023) V Kanceláři ombudsmana budou o možném vzniku české národní lidskoprávní instituce (NHRI) v pondělí diskutovat odborníci na ochranu lidských práv ze sedmi evropských států ('On Monday, experts on the protection of human rights from seven European states will debate in the Office of the Public Defender of Rights about the possible establishment of the Czech NHRI').

<sup>209</sup> Office of the Government (2023) Making Human Rights a Reality: Implementation of International Human Rights Obligations at the National Level, available at: <https://konference.mezisoudy.cz/en/>.



## Annex I: List of sources in alphabetical order\*

\* *The list of contributions received in the context of the consultation for the 2024 Rule of Law report can be found at [https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation\\_en](https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation_en).*

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## **Annex II: Country visit to Czechia**

The Commission services held virtual meetings in March 2024 with:

- Administration of the Parliament (replies received in writing)
- Anti-Corruption Council of the Government
- Constitutional Court
- Czech Bar Association
- Czech National Committee of International Press Institute
- Council for Radio and Television Broadcasting (replies received in writing)
- Endowment for Independent Journalism
- European Centre for Press and Media Freedom
- Frank Bold/Reconstruction of State
- League of Human Rights
- Ministry of Culture
- Ministry of Interior
- Ministry of Justice
- National Organized Crime Agency
- NeoN/Glopolis
- Office for the Supervision of the Finances of Political Parties and Movements
- Ombudsman
- Prosecutor General's Office
- Supreme Administrative Court
- Supreme Audit Office
- Supreme Court
- Transparency International Czech Republic
- Union of Judges
- Union of Public Prosecutors

\* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe
- Democracy Reporting International
- European Centre for Non-Profit Law
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation
- International Press Institute

- Irish Council for Civil Liberties
- JEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU